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Fax Cover Sheet

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To: William Hall	From: Andrew W. Johns
Application/Control Number: 10/631,262	Art Unit: 2621
Fax No.: (405) 228-7305	Phone No.: (571) 272-7391
Voice No.: (405) 552-2305 552-2218	Return Fax No.: (571) 273-8300
Re: Attorney Ref. No. 32995.2	CC:
<input checked="" type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> For Comment <input checked="" type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request	

Comments:

Please review attached comments and contact examiner to discuss this case.

Number of pages 22 **including this page**

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Mr. Hall:

I am in the process of reviewing your response filed 17 January 2006 in Application SN 10/631,262 (your reference number 32995.2), and I am concerned that my Office Actions have not clearly conveyed my position regarding the claim language and the prior art. Your response doesn't seem to be addressing my concerns regarding the claim language and the prior art, and I thought it might be useful to discuss this case to see if a better understanding of the issues might be achieved, so as to better advance the prosecution in this application.

With respect to the claim language, there seem to be two elements of the claim language that applicant is interpreting significantly differently than I am. I believe, based on the arguments in the response, that applicant is reading the claim language much more narrowly than the claim language requires. In effect the arguments seem to be reading limitations into the claims that simply are not required by the claim language. Specifically, applicant seems to be interpreting the claim language "invalidated MICR line" and "digital processing" much more narrowly than I am in applying the prior art.

For example, the claim language simply requires the processing of "invalidated MICR line" but does not include any limitations or claim language that defines what constitutes an "invalidated MICR line" or how such a line would come to be "invalidated." Applicant seems to be relying upon the disclosure to define this term, but the disclosure does not include any explicit definition for this claim language, but merely describes exemplary embodiments that demonstrate the preferred implementation of the invention. To read these details into this claim language unduly narrows the claim language, and runs counter to conventional examination practice which requires the claims to be given their broadest reasonable interpretation. Thus, the failure of any MICR processing to produce a valid output is construed as "invalidating" the MICR line. If applicant wishes the claim to be construed more narrowly than that, it is suggested that the claim language be amended to explicitly define what constitutes an "invalidated MICR line" or to define the process that invalidates the MICR line.

Similarly, applicant's arguments seem to unduly narrow the meaning of "digital processing" in the claims. In fact, applicant specifically points to paragraph 51 of the specification in arguing this interpretation (see the first paragraph on page 15 of the response of 17 January 2006). However, this description in the specification is directed towards the exemplary preferred embodiment, and does not set forth an explicit definition of "digital processing" that is limited merely to the disclosed processing. There are a great many forms of digital image processing known in the art, and absent specific limitations in the claim language, it is proper and reasonable to consider any of them as meeting claim language directed towards "digital processing" of images. In this case, the claim language requires that the "digital processing" result in identification of MICR characters in an invalidated MICR line. Because conventional OCR processing is performed digitally in a computer or other processor and would result in the identification of characters, the application of an OCR processing to an invalidated MICR line is believed to reasonably read on the requirement of the claims for "digital processing" of the invalid MICR line.

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In addition, with respect to the prior art, and in particular Cahill et al. (US 5,963,659 A), applicant's response suggests that my Office Actions have failed to clearly convey my interpretation of the reference, as it applies to the *claimed* invention. Specifically, applicant's arguments indicate that applicant views the invalidated MICR lines as being those associated with the documents placed in the Repair hopper (208 in Figure 3), which are then manually processed to correct the MICR data. The examiner agrees that the correction of the MICR data associated with the documents in the Repair hopper does not meet the limitations defined by the claim language. However, Cahill et al. also provides for a Repass hopper (209 in Figure 3) into which documents are placed when they include more than a threshold number of errors (see column 19, lines 31-34). These errors constitute a failure to validate the MICR line, so that the MICR line associated with the checks in the Repass hopper 209 is invalidated. The checks from the Repass hopper 209 are moved back to the input hopper and again processed by the system (Column 19, lines 48-50 and column 14, lines 28-30). This "repass mode" is the same as the normal processing except in how it handles checks that continue to have errors after the reprocessing (Column 19, lines 50-55). This means that all of the scanning and processing that occurred during the first pass is repeated during the second pass. This includes the OCR processing described at Column 14, lines 60-63, which decodes the characters of the MICR line using OCR processing. During this "repass mode" the OCR processing is performed on images of MICR lines that were invalidated during the first pass, and identifies or decodes the MICR characters in these lines, as required by the claim language. Furthermore, this OCR is performed digitally in a digital processing system, so it constitutes the digital processing required by the claim language. Therefore, while the "repair" processing described by Cahill et al. does not meet the limitations of the claimed invention, the "repass mode" of Cahill et al. meets all of the limitations of the invention defined broadly by the current claim language.

I have carefully review applicant's arguments and the disclosure in this case, and it appears to me that there are a number of ways in which applicant's *disclosed* invention might be distinguished from the prior art. However, none of the distinguishing features are currently required by the claim language, as discussed more fully above. Rather than merely reiterate the outstanding rejections and risk further misunderstandings, I felt that it might be expedient to discuss this case to clarify our mutual understandings of the case, and to explore possible solutions to better distinguish applicant's invention from the prior art.

In view of the breadth of the claim language, as pointed out above, I believe that any system that digitally recognizes MICR line characters following a failure of an earlier recognition of the MICR characters would read on the broadest claims in this case. Therefore, Holm (US 3,949,363 A) might also anticipate the broadest of applicant's claims (see 204-206 in Figure 5, for example, where OCR data is used to correctly identify MICR characters following the rejection of a MICR reader recognition result). Similarly, Martin et al. (US 4,876,735 A, not of record, but attached hereto) teaches using a second recognition to identify MICR characters when a first recognition processing fails. Tyburski et al. (US 3,764,978 A, not of record but attached hereto) includes similar suggestions.

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Please review this case, in light of these comments, and contact me at (571) 272-7391 to discuss this application. I welcome any suggestions you might have regarding limitations that might better distinguish the claimed invention from the prior art. In particular, I suggest that language better defining the nature of the "invalidated MICR line" and/or the nature of the "digital processing" might be useful in distinguishing the claimed invention over the prior art. If you would like to provide a written proposal for my review, my direct fax number is (571) 273-7391. If we can come to a mutual agreement regarding such language, I would be happy to implement the changes by examiner's amendment to expedite the allowance of this application.

I look forward to discussing this application with you. I will be available all day today (Wed. 3/1) and tomorrow, and until about 1pm (EST) on Friday, March 3. Next week, I will be on leave until Thursday, so if you cannot discuss this case with me this week, please contact me after I return next Thursday (March 9).

A handwritten signature in black ink, appearing to read 'Andrew Johns', with a large, sweeping flourish extending from the end of the name.

Andrew Johns
Primary Examiner
Art Unit 2621

(571) 272-7391 voice

(571) 273-7391 fax (draft communications only)